

Appl. No. 10/811,696
Atty. Docket No. 9533
Response, dated October 18, 2005
Reply to Office Action of October 5, 2005
Customer No. 27752

RESPONSE TO REQUIREMENT FOR RESTRICTION OF INVENTIONS

A Restriction Requirement was issued for the above-identified patent application identifying claims 1-20 as pending and subject to restriction requirement. Specifically, among the pending claims 1-20, the Restriction Requirement requires Applicant to elect one of the following Species 1-7 identified in the Office Action. According to the Office Action:

Species 1 corresponds to Figure 1.
Species 2 corresponds to Figure 2.
Species 3 corresponds to Figure 3.
Species 4 corresponds to Figure 4.
Species 5 corresponds to Figure 5.
Species 6 corresponds to Figure 6.
Species 7 corresponds to Figure 7.

The Restriction Requirement notes the claim 1 is currently generic.

1. Election

The Examiner has required election of a single disclosed species for prosecution on the merits. Pursuant to this requirement, Applicant hereby elects to prosecute the invention designated in the Office Action as Species 2. 1-10 and 19 are readable on Species 2.

This election is made with traverse.

2. Traversal of Restriction Requirement

The traversal of the indicated restriction requirement is requested as it is considered improperly made. The Restriction Requirement does not show the inventions defined by the species are independent and distinct. For instance, the Restriction Requirement fails to show how the various Figures identified as separate species are independent. Indeed, they are interrelated as claim 1 (which reads on Species 2) also reads on the remaining dependent claims, and hence the remaining species. As noted in the Office Action, pending claim 1 is generic to all species.

Without a sufficient showing of independence, or relatedness with proper showing of distinctness, the restriction requirement is improper and should be withdrawn.

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Applicant further submits that searching the claims without restriction is not unduly onerous. Specifically, the seven species identified by the Office Action share the common feature of the claim 1 invention (and, in fact, depend from claim 1). Therefore the inventions described by the claims of the present application form a single general inventive concept which can be readily searched. Thus, for this second reason, the restriction requirement is improper and should be withdrawn.

3. Amendments to the Specification

Applicant has made various amendments to the specification for the purposes of form and clarity. These amendments are not believed to involve the introduction of any new matter, and entry of the amendment is respectfully requested.

3. Claim Amendments

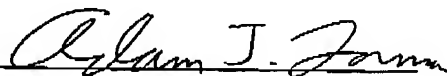
Applicant has amended claim 9 to clarify the claimed invention. This amendment is not believed to involve the introduction of any new matter, and entry of the amendment is respectfully requested.

4. Conclusion

In light of the above, it is requested that the Examiner reconsider the outstanding restriction requirement and enter the amendments to the specification and claims into the application. Early and favorable action in this application is respectfully requested.

No fee is believed to be due for the filing of this Amendment. However, if any fees are deemed due as a result of this or any other communication, the Commissioner is hereby authorized to deduct such fees from Deposit Account No. 16-2480.

Respectfully submitted,
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(Amendment-Response to Restriction Requirement.doc) (Revised 11/5/2004)